

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ALEXANDER C. HENDRIX,

Plaintiff,

v.

CITY OF MADERA, et al.,

Defendants.

No. 1:23-cv-01212-JLT-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS; ORDER TO CLOSE
CASE

(Doc. 6)

In this federal civil rights case, Plaintiff, who is proceeding pro se, alleges in the currently operative first amended complaint (FAC) that he was the victim of a sexual assault and that, upon reporting the assault to authorities, he was treated dismissively by the investigating Madera Police Department Officer, Lori Alva. (*See generally* Doc. 5.) The FAC further alleges that Alva's actions were motivated by Plaintiff's age, sex, and race. (*Id.*) On September 14, 2023, the assigned magistrate judge issued findings and recommendations to dismiss this action for failure to state a cognizable claim upon which relief may be granted. (Doc. 6.) The Court served the findings and recommendations on Plaintiff and notified him that any objections thereto were to be filed within 14 days after service. (*Id.*) No objections have been filed, and the time in which to do so has passed.

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the case. Though not discussed explicitly in the findings and recommendations, the Court notes that a

1 state actor can violate the Equal Protection Clause if they selectively discriminate against a
2 member of a protected class in providing police protection or services, including investigatory
3 services. *See DeShaney v. Winnebago County Dep't of Soc. Serv.*, 489 U.S. 189, 195–97 n. 3
4 (1989); *Elliot-Park v. Manglona*, 592 F.3d 1003, 1006–1008 (9th Cir. 2010) (“If police refuse to
5 investigate or arrest people who commit crimes against a particular ethnic group, it's safe to
6 assume that crimes against that group will rise.”). However, even viewing the allegations in the
7 FAC in the light most favorable to Plaintiff, the Court concludes that Plaintiff has not articulated
8 an equal protection claim consistent with the relevant authorities, in part because the FAC fails to
9 explain in a non-conclusory manner how Officer Alva’s investigation was materially insufficient.
10 To be clear, though he claims he was treated differently, he fails to set forth factual allegations—
11 as opposed to conclusions—as to the grounds for this claim. Thus, having carefully reviewed the
12 entire file, the Court concludes that the findings and recommendations are supported by the
13 record and proper analysis. Accordingly:

- 14 1. The findings and recommendations issued on September 14, 2023 (Doc. 6) are
15 **ADOPTED IN FULL.**
- 16 2. The first amended complaint is **DISMISSED** for failure to state a cognizable
17 claim.
- 18 3. The Clerk of Court is directed to **CLOSE THIS CASE.**

19
20 IT IS SO ORDERED.

21 Dated: **October 24, 2023**


UNITED STATES DISTRICT JUDGE